

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ESTATE OF MICHAEL  
WONDERCHECK, BY BETH  
WONDERCHECK, PERSONAL  
REPRESENTATIVE,

Plaintiff,

v.

STATE OF NEBRASKA, JOHN DOE,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS STATE TROOPER  
OF THE NEBRASKA STATE  
PATROL; CITY OF GERING,  
CITY OF BAYARD, AND SCOTTS  
BLUFF COUNTY; JAMES JACKSON,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS A POLICE OFFICER  
FOR THE CITY OF GERING;  
KRIS STILL, TRENT ZWICKL,  
MARK BLISS, AND DEPUTY  
PERKINS, IN THEIR INDIVIDUAL  
AND OFFICIAL CAPACITIES AS  
DEPUTIES FOR SCOTTS BLUFF  
COUNTY; Z. DOUGLASS,  
INDIVIDUALLY AND IN HIS  
CAPACITY AS POLICE OFFICER  
FOR THE CITY OF BAYARD, NE.,

Defendants.

4:06CV3087

**MEMORANDUM  
AND ORDER**

This matter is before the court on a motion by the City of Gering for partial summary judgment on the claim against it brought under the Security, Privacy, and Dissemination of Criminal History Information Act, Neb. Rev. Stat. Ann. §§ 29-209, 29-210, 29-3520 to 29-3528 (LexisNexis 2003), and 81-1423 (LexisNexis 2005) (the “Criminal History Information Act” or the “Act”).

In a November 7, 2006 order, I denied Plaintiff's motion for summary judgment against the City of Gering on this same claim. (Filing 56.) In that order, I noted that the if City had filed a cross-motion for summary judgment on the Criminal History Information Act claim I would have granted the motion.

For the reasons set forth in my November 7, 2006 order (filing 56), I will grant the City's motion for partial summary judgment on the Criminal History Information Act claim.

Accordingly,

IT IS ORDERED:

1. The City of Gering's motion for partial summary judgment on the Criminal History Information Act claim against it (filing 57) is granted; and
2. Entry of judgment will be withheld until the remaining claims are resolved.

December 15, 2006

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge